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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/580,493	12/29/95	BERNA	<sup>ME</sup> P

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QM32/0728

AIR MAIL

EXAMINER	
BRYANT, D	
ART UNIT	PAPER NUMBER
3726	56

DATE MAILED: 07/28/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/580,493**

Applicant(s)  
**BERNA**

Examiner  
**David Bryant**

Group Art Unit  
**3726**



☒ Responsive to communication(s) filed on 3/29/99

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 12-15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Further, to facilitate a better understanding of the features recited in claims 12-15, applicant is requested to point out to the examiner the corresponding disclosure of this subject matter in the specification.

### ***Specification***

2. The substitute specification filed 9/5/95 is objected to because it is replete with grammatical and idiomatic problems too numerous to mention individually. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 112***

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being (1) indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and (2) incomplete for omitting essential structural cooperative relationships of

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elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

Regarding (1), the claims include numerous grammatical, idiomatic, and antecedent problems which render the claims indefinite.

Regarding (2), there is no explicitly claimed functional relationship between the support part, the arms, and the buffers which makes it clear how the components of the device are operable together to perform the claimed holding/clamping function recited in the preambles of claims 1, 2, and 16.

In an effort to expedite prosecution of this application, and to provide applicant the assistance requested in the REMARKS section of the amendment filed 3/29/99, the examiner hereby presents the following proposed amendments to independent claims 1, 2, and 16, which would obviate the above 35 U.S.C. 112, second paragraph, rejection. Should applicant be amenable to these changes, the examiner will work with applicant to amend the remainder of the claims to put them in condition for allowance, also.

*1. (Eight Times Amended) A [The] method of making a device for holding an object [objects] by clamping the object while preventing damage thereto, said method [without any risk at all of damaging them] comprising the steps of:*

*[a)] providing a cylindrical support part,*

*providing two arms, each arm including an elastic buffer secured thereto and a transverse hole, said buffer having a contact face for contacting said object and having under its*

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contact face a thickness large enough so that said buffer acts as a compression spring when said buffer contacts said object, and being resilient enough such that said contact face can flex and pivot to substantially conform to the surface of said object, and

[b)] placing said arms on said support part such that said support part is disposed in said transverse holes of said two arms and [of which] at least one arm is movable along said support part, and said buffer is disposed at a distance from said support part with its contact face approximately at a right angle to said support part.

[c) securing to one of said two arms at a distance from said support part one substantially elastic buffer having under its contact face, which is approximately at a right angle to said support part, a thickness large enough so that said buffer could act as a compression spring]

wherein said object may be held by said device by positioning said object between and in contact with said elastic buffers of said arms, and tilting said at least one movable arm such that a frictional force is created between said support part and an interior surface of said transverse hole.

2. (Eight Times Amended) A device for holding an object [objects] by clamping the object while preventing damage thereto, said device [without any risk at all of damaging them,] comprising:

[-] a cylindrical support part, and

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[-] two arms, each arm including an elastic buffer secured thereto and a transverse hole, said buffer having a contact face for contacting said object and having under its contact face a thickness large enough so that said buffer acts as a compression spring when said buffer contacts said object, and being resilient enough such that said contact face can flex and pivot to substantially conform to the surface of said object.

said support part being disposed within said transverse holes of said arms such that [of which] at least one of said arms is movable along said support part, and said buffers are disposed at a distance from said support part with the contact faces thereof approximately at a right angle to said support part, and

[- and one substantially elastic buffer secured to one of said two arms at a distance from said support part, said buffer having under its contact face, which is at a right angle to said support part, a thickness large enough so that said buffer could act as a compression spring]

wherein said object may be held by said device by positioning said object between and in contact with said elastic buffers of said arms, and tilting said at least one movable arm such that a frictional force is created between said support part and an interior surface of said transverse hole.

16. (Twice Amended) A [The] method for holding an object [objects] by clamping the object while preventing damage thereto [without any risk at all of damaging] and which utilizes [consists in using] a device including a cylindrical support part and two arms, each arm including an elastic buffer secured thereto and a transverse hole, said buffer having a contact

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face for contacting said object and having under its contact face a thickness large enough so that said buffer acts as a compression spring when said buffer contacts said object, and being resilient enough such that said contact face can flex and pivot to substantially conform to the surface of said object, said support part being disposed within said transverse holes of said arms such that at least one of said arms is movable along said support part, and said buffers are disposed at a distance from said support part with the contact faces thereof approximately at a right angle to said support part [of which at least one is movable along said support part, at least one of said arms having a substantially elastic buffer secured thereto at a distance from the support part, said buffer having under its contact face, which is approximately at a right angle to said support part, a thickness large enough so that said buffer could act as a compression spring.] said method comprising the steps of:

positioning said object between said arms;

[a)] applying said [substantially] elastic buffers of said arms [buffer] against [some resistant surface,] respective surfaces of said object,

[b)] manually exerting pressure on the backs [back] of said arms [a manual thrust] to clamp said object between said arms, and

[c)] stopping the exertion of pressure when said at least one movable arm is tilted with respect to [this thrust so as to lock those of said arms which are movable by tilting against] said support part, such that a frictional force is created between said support part and an interior

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surface of said transverse hole, thereby locking said arms in place with respect to said support part.

***Allowable Subject Matter***

4. Claims 1-18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

***Response to Arguments***

5. Since all of the claims of record have been indicated as being allowable if amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action, it appears that applicant's arguments are moot. However, the specific reasons for allowability should be addressed.

Applicant has pointed out on numerous occasions that a primary advantage of the present invention over the prior art is the ability of the elastic buffer to act like a compression spring. This claimed feature allows precise tactile perception of the gradualness of the clamping, as evidenced by the numerous testimonials in the published exhibits submitted by applicant along with the amendment filed 3/29/99. Also, the elastic buffer is resilient enough to permit the contact face thereof to substantially conform to the surface of an irregularly shaped object, as is clearly depicted in the comparison photographs filed with the affidavit filed 6/16/95. The examiner considers the recitation of the resiliency of the buffers to be critical in distinguishing the present



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invention from the prior art, and has included this feature in each of the proposed amended independent claims above (i.e. and being resilient enough such that said contact face can flex and pivot to substantially conform to the surface of said object). Should applicant desire to further discuss the specifics of allowable claim language in a telephonic interview, he is invited to contact the examiner at the number below at his earliest convenience.

***Contact Information***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each reference discloses a conformable clamping jaw.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner David Bryant whose telephone number is (703) 308-1859. Excluding holidays and the first Friday of every biweek, the examiner can be reached daily from 7:00 AM to 4:30 PM.

Documents related to this application may be submitted by facsimile at any time. The Group 3720 fax number is (703) 305-3579. All faxed documents must conform with the notice published in the Official Gazette, 1096 OG 30 (October 19, 1988). Applicant is reminded to clearly mark any document as "DRAFT" if it is not to be considered a formal response.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



**DAVID BRYANT  
PRIMARY EXAMINER  
ART UNIT 3726**

July 26, 1999